

REMARKS

This Request for Continued Examination with Amendment is filed in response to Final Office Action of February 19, 2009 in which claims 1, 26-43 were rejected.

Independent claims 1 and 36 are amended to clarify the subject matter as further explained below. Also a few other minor changes are made in dependent claims. New claims 44-48 are added. All changes are fully supported by the specification.

The applicant would like to point out that arguments presented in Remarks of the Amendments submitted to the USPTO on June 30 2009 and October 15, 2009 are fully applied.

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***Claim Rejections - 35 USC § 112***

**Examiner's Position:**

Claims 1 and 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description.

**Applicant's Response:**

The Examiner questioned the embodiment of claims 1 and 36 stating: "said plurality of the nodes are organized in a hierarchical order, such that a number of highest layer components of said plurality of the access points comprised in said plurality of the nodes is smaller than a number of lowest layer components of said plurality of the access points comprised in said plurality of the nodes in order to reduce a total number of components needed to provide said plurality of the access points of a communication network of said system".

The above embodiment is an important novel feature of distributed access points recite in claims 1 and 36 of the present patent application which seems is not understood by the Examiner. The whole specification is about this feature, e.g.,

see Figures 2-8 and corresponding description in the specification. The benefit of using distributed access points is summarized in Paragraph [0020] of the present US Patent Application Publication No 2006/0140161, stating:

"The use of distributed access points allows a minimum or reduced amount of hardware to be deployed in the locations where users desire access, while processing power (and, thus, complexity) is concentrated in an controller node that can be scaled accordingly. This configuration can be especially useful when the system is scaled to include a large number of access points."

In other words, if "a number of highest layer components" is equal to "a number of lowest layer components", then the invention recited in claim 1 does not make sense because there is no reduction in the amount of hardware.

It is obvious to a person skilled in the art from Figures 2-8 of the present patent application that nodes may be organized in a hierarchical order to provide the distributes access points and it is rather disturbing to the Applicant that the Examiner does not allow that language to be used in claims. It is a double standard, when USPTO using claim rejection, references with a totally different language, sometime even not remotely closed to the language recited in the claims, are used to reject claims under examination. For example, in the current Office Action the reference of Okajima et al. (as discussed further herein) does not use the terms "higher layer" and lower layer" but the Examiner still use this reference to reject claims 1 and 36 which use these terms.

In spite of a strong disagreement with Examiner on this issue, in order to advance the prosecution, the applicant chose to amend claims 1 and 36 to obviate the rejection, as submitted

herein, and removed the terminology related to " hierarchical order".

***Claim Rejections - 35 USC § 102***

**Examiner's Position:**

Claims 1, 28, 38, 31, 32, 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Okajima et al. (US publication # 2001/0018336).

**Applicant's Response:**

The applicant is of opinion that Examiner's arguments are inaccurate and wrong because Okajima et al. do not talk, disclose or even hint about **Distributed Access Points** recited in independent claims 1 and 36 and disclosed in detail in Figures 2-8 of the disclosure of the present patent application. All base stations 42, 42 and 43 in Okajima et al. are equivalent to the access point as **stand-alone units** per known art, and they are not distributed contrary to what is alleged by the Examiner.

**More details may be found in Remarks of the Amendments submitted to the USPTO on June 30 2009 and October 15, 2009 which are fully applied and incorporated here by reference.**

Thus, claim 1 and independent claims 36 of similar scope as claim 1 are not anticipated by Okajima et al. under 35 U.S.C. 102(b) because Okajima et al. does not disclose elements (distributed access points) recited in claims 1 and 36 as required by the MPEP Paragraph 2131.

Dependent claims 28, 38, 31, 32 are not anticipated by Okajima et al under 35 U.S.C. 102(b) as being dependent on novel claims 1 and 36 as argued herein. Additional arguments in regard to unique limitations of the corresponding dependent claims can be presented if requested by the Office.

***Claim Rejections - 35 USC § 103*****Examiner's Position:**

Claims 26, 27 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okajima et al. (US publication # 2001/0018336) in view of Atkinson et al. (US publication # 2002/0012329).

Claims 29, 39, 30, 40, 34, 41, 35, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okajima et al. (US publication # 2001/0018336) and Atkinson et al. (US publication # 2002/0012329) in view of Bahl et al. (US Patent # 7248570).

Claim 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okajima et al. (US publication # 2001/0018336) in view of Szentesi et al. (US Patetn # 7366108).

**Applicant's Response:**

The novelty and non-obviousness of rejected dependent claims 26, 27, 29, 30, 33-35, 37 39, 40-42 under 35 U.S.C. 103(a) is provided by their dependence on the novel and non-obvious independent claims 1 and 36, as argued herein.

More arguments can be presented by the applicant about unique limitations of the corresponding dependent claims not disclosed by references quoted by the Examiner, as well as in regard to justification (motivation) for combining references and their compatibility (i.e., their combination is teaching away from the present invention), as required in MPEP Paragraph 2143 and Case Law, if requested by the Office.

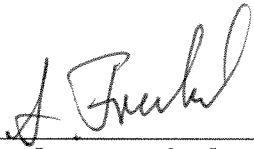
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**CONCLUSION**

The objections and rejections of the Final Office Action of February 19, 2010 having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of all claims to issue is earnestly solicited.

Respectfully submitted,  
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Date: May 12, 2010

  
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